



General Assembly

January Session, 2023

Raised Bill No. 6562

LCO No. 3315



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING TELEHEALTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-906 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Asynchronous" means any transmission to another site for
5 review at a later time that uses a camera or other technology to capture
6 images or data to be recorded.

7 (2) "Connecticut medical assistance program" means the state's
8 Medicaid program and the Children's Health Insurance Program
9 administered by the Department of Social Services.

10 [(2)] (3) "Facility fee" has the same meaning as in section 19a-508c.

11 [(3)] (4) "Health record" means the record of individual, health-
12 related information that may include, but need not be limited to,
13 continuity of care documents, discharge summaries and other

14 information or data relating to a patient's demographics, medical
15 history, medication, allergies, immunizations, laboratory test results,
16 radiology or other diagnostic images, vital signs and statistics.

17 [(4)] (5) "Medical history" means information, including, but not
18 limited to, a patient's past illnesses, medications, hospitalizations,
19 family history of illness if known, the name and address of the patient's
20 primary care provider if known and other matters relating to the health
21 condition of the patient at the time of a telehealth interaction.

22 [(5)] (6) "Medication-assisted treatment" means the use of
23 medications approved by the federal Food and Drug Administration, in
24 combination with counseling and behavioral therapies, to provide a
25 whole-patient approach to the treatment of substance use disorders.

26 [(6)] (7) "Originating site" means a site at which a patient is located at
27 the time health care services are provided to the patient by means of
28 telehealth.

29 [(7)] (8) "Peripheral devices" means the instruments a telehealth
30 provider uses to perform a patient exam, including, but not limited to,
31 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
32 thermometer, tongue depressor and reflex hammer.

33 [(8)] (9) "Remote patient monitoring" means the personal health and
34 medical data collection from a patient in one location via electronic
35 communication technologies that is then transmitted to a telehealth
36 provider located at a distant site for the purpose of health care
37 monitoring to assist the effective management of the patient's treatment,
38 care and related support.

39 [(9)] (10) "Store and forward transfer" means the asynchronous
40 transmission of a patient's medical information from an originating site
41 to the telehealth provider at a distant site.

42 [(10)] (11) "Synchronous" means real-time interactive technology.

43 [(11)] (12) "Telehealth" means the mode of delivering health care or

44 other health services via information and communication technologies
 45 to facilitate the diagnosis, consultation and treatment, education, care
 46 management and self-management of a patient's physical and mental
 47 health, and includes [(A)] interaction between the patient at the
 48 originating site and the telehealth provider at a distant site, and [(B)]
 49 synchronous interactions, asynchronous store and forward transfers or
 50 remote patient monitoring. [Telehealth] "Telehealth" does not include
 51 (A) the use of facsimile, [audio-only telephone,] texting or electronic
 52 mail, or (B) audio-only telephone unless the telehealth provider is (i) in-
 53 network, or (ii) a provider enrolled in the Connecticut medical
 54 assistance program providing such health care or other health services
 55 to a Connecticut medical assistance program recipient.

56 [(12)] (13) "Telehealth provider" means (A) any physician or
 57 physician assistant licensed under chapter 370, physical therapist or
 58 physical therapist assistant licensed under chapter 376, chiropractor
 59 licensed under chapter 372, naturopath licensed under chapter 373,
 60 podiatrist licensed under chapter 375, occupational therapist or
 61 occupational therapy assistant licensed under chapter 376a, optometrist
 62 licensed under chapter 380, registered nurse or advanced practice
 63 registered nurse licensed under chapter 378, [physician assistant
 64 licensed under chapter 370,] psychologist licensed under chapter 383,
 65 marital and family therapist licensed under chapter 383a, clinical social
 66 worker or master social worker licensed under chapter 383b, alcohol
 67 and drug counselor licensed under chapter 376b, professional counselor
 68 licensed under chapter 383c, dietitian-nutritionist certified under
 69 chapter 384b, speech and language pathologist licensed under chapter
 70 399, respiratory care practitioner licensed under chapter 381a,
 71 audiologist licensed under chapter 397a, pharmacist licensed under
 72 chapter 400j, [or] paramedic licensed pursuant to chapter 384d, nurse-
 73 midwife licensed under chapter 377, dentist licensed under chapter 379,
 74 behavior analyst licensed under chapter 382a, genetic counselor
 75 licensed under chapter 383d, music therapist, as defined in section 20-
 76 195ggg, art therapist licensed under chapter 383g or athletic trainer
 77 licensed under chapter 375a who [is providing] provides health care or

78 other health services through the use of telehealth within such person's
 79 scope of practice and in accordance with the standard of care applicable
 80 to the profession, and (B) [on and after July 1, 2024, an appropriately
 81 licensed, certified or registered physician, naturopath, registered nurse,
 82 advanced practice registered nurse, physician assistant, psychologist,
 83 marital and family therapist, clinical social worker, master social
 84 worker, alcohol and drug counselor, professional counselor, dietitian-
 85 nutritionist, nurse-midwife, behavior analyst, music therapist or art
 86 therapist, in another state or territory of the United States or the District
 87 of Columbia, who (i) provides telehealth services under any relevant
 88 order issued pursuant to section 19a-906a, (ii) provides mental or
 89 behavioral health care through the use of telehealth within such person's
 90 scope of practice and in accordance with the standard of care applicable
 91 to the profession, and (iii)] an appropriately licensed, certified or
 92 registered physician, physician assistant, physical therapist, physical
 93 therapist assistant, chiropractor, naturopath, podiatrist, occupational
 94 therapist, occupational therapy assistant, optometrist, registered nurse,
 95 advanced practice registered nurse, psychologist, marital and family
 96 therapist, clinical social worker, master social worker, alcohol and drug
 97 counselor, professional counselor, dietitian-nutritionist, speech and
 98 language pathologist, respiratory care practitioner, audiologist,
 99 pharmacist, paramedic, nurse-midwife, dentist, behavior analyst,
 100 genetic counselor, music therapist, art therapist or athletic trainer, in
 101 another state or territory of the United States or the District of Columbia,
 102 who provides health care or other health services through the use of
 103 telehealth within such person's scope of practice and in accordance with
 104 the standard of care applicable to the profession and maintains
 105 professional liability insurance, or other indemnity against liability for
 106 professional malpractice, in an amount that is equal to or greater than
 107 that required for similarly licensed, certified or registered Connecticut
 108 [mental or behavioral] health care providers.

109 (b) (1) A telehealth provider shall only provide telehealth services to
 110 a patient when the telehealth provider: (A) Is communicating through
 111 real-time, interactive, two-way communication technology or store and

112 forward technologies; (B) has determined whether the patient has health
 113 coverage that is fully insured, not fully insured or provided through the
 114 Connecticut medical assistance program, and whether the patient's
 115 health coverage, if any, provides coverage for the telehealth service; (C)
 116 has access to, or knowledge of, the patient's medical history, as provided
 117 by the patient, and the patient's health record, including the name and
 118 address of the patient's primary care provider, if any; [(C)] (D) conforms
 119 to the standard of care applicable to the telehealth provider's profession
 120 and expected for in-person care as appropriate to the patient's age and
 121 presenting condition, except when the standard of care requires the use
 122 of diagnostic testing and performance of a physical examination, such
 123 testing or examination may be carried out through the use of peripheral
 124 devices appropriate to the patient's condition; and [(D)] (E) provides the
 125 patient with the telehealth's provider license number and contact
 126 information.

127 (2) At the time of the telehealth provider's first telehealth interaction
 128 with a patient, the telehealth provider shall inform the patient
 129 concerning the treatment methods and limitations of treatment using a
 130 telehealth platform and, after providing the patient with such
 131 information, obtain the patient's consent to provide telehealth services.
 132 The telehealth provider shall document such notice and consent in the
 133 patient's health record. If a patient later revokes such consent, the
 134 telehealth provider shall document the revocation in the patient's health
 135 record.

136 (c) Notwithstanding the provisions of this section or title 20, no
 137 telehealth provider shall prescribe any schedule I, II or III controlled
 138 substance through the use of telehealth, except a schedule II or III
 139 controlled substance other than an opioid drug, as defined in section 20-
 140 14o, in a manner fully consistent with the Ryan Haight Online Pharmacy
 141 Consumer Protection Act, 21 USC 829(e), as amended from time to time,
 142 for the treatment of a person with a psychiatric disability or substance
 143 use disorder, as defined in section 17a-458, including, but not limited to,
 144 medication-assisted treatment. A telehealth provider using telehealth to
 145 prescribe a schedule II or III controlled substance pursuant to this

146 subsection shall electronically submit the prescription pursuant to
147 section 21a-249, as amended by this act.

148 (d) Each telehealth provider shall, at the time of the initial telehealth
149 interaction, ask the patient whether the patient consents to the telehealth
150 provider's disclosure of records concerning the telehealth interaction to
151 the patient's primary care provider. If the patient consents to such
152 disclosure, the telehealth provider shall provide records of all telehealth
153 interactions to the patient's primary care provider, in a timely manner,
154 in accordance with the provisions of sections 20-7b to 20-7e, inclusive.

155 (e) Any consent required under this section shall be obtained from
156 the patient, or the patient's legal guardian, conservator or other
157 authorized representative, as applicable.

158 (f) The provision of telehealth services and health records maintained
159 and disclosed as part of a telehealth interaction shall comply with the
160 provisions of the Health Insurance Portability and Accountability Act of
161 1996 P.L. 104-191, as amended from time to time.

162 (g) Nothing in this section shall prohibit: (1) A health care provider
163 from providing on-call coverage pursuant to an agreement with another
164 health care provider or such health care provider's professional entity
165 or employer; (2) a health care provider from consulting with another
166 health care provider concerning a patient's care; (3) orders of health care
167 providers for hospital outpatients or inpatients; or (4) the use of
168 telehealth for a hospital inpatient, including for the purpose of ordering
169 any medication or treatment for such patient in accordance with Ryan
170 Haight Online Pharmacy Consumer Protection Act, 21 USC 829(e), as
171 amended from time to time. For purposes of this subsection, "health care
172 provider" means a person or entity licensed or certified pursuant to
173 chapter 370, 372, 373, 375, 376 to 376b, inclusive, 378, 379, 380, 381a, 383
174 to 383c, inclusive, 384b, 397a, 399 or 400j, or licensed or certified
175 pursuant to chapter 368d or 384d.

176 (h) No telehealth provider or hospital shall charge a facility fee for
177 telehealth services. Such prohibition shall apply to hospital telehealth

178 services whether provided on campus or otherwise. For purposes of this
179 subsection, "hospital" has the same meaning as provided in section 19a-
180 490 and "campus" has the same meaning as provided in section 19a-
181 508c.

182 (i) (1) No telehealth provider shall provide health care or health
183 services to a patient through telehealth unless the telehealth provider
184 has determined whether or not the patient has health coverage for such
185 health care or health services.

186 (2) Notwithstanding any provision of the general statutes, a
187 telehealth provider who provides health care or health services to a
188 patient through telehealth shall accept as full payment for such health
189 care or health services:

190 (A) An amount that is equal to the amount that Medicare reimburses
191 for such health care or health services if the telehealth provider
192 determines that the patient does not have health coverage for such
193 health care or health services; or

194 (B) The amount that the patient's health coverage reimburses and any
195 coinsurance, copayment, deductible or other out-of-pocket expense
196 imposed by the patient's health coverage for such health care or health
197 services if the telehealth provider determines that the patient has health
198 coverage for such health care or health services.

199 (3) If a telehealth provider determines that a patient is unable to pay
200 for any health care or health services described in subdivisions (1) and
201 (2) of this subsection, the provider shall offer to the patient financial
202 assistance if such provider is required to offer to the patient such
203 financial assistance under any applicable state or federal law.

204 (j) Subject to compliance with all applicable federal requirements,
205 state licensing standards or any regulation adopted thereunder, a
206 telehealth provider may provide telehealth services pursuant to the
207 provisions of this section from any location.

208 (k) Any Connecticut entity, institution or health care provider, that
 209 engages or contracts with a telehealth provider who is licensed, certified
 210 or registered in another state or territory of the United States or the
 211 District of Columbia to provide health care or other health services, shall
 212 (1) verify the credentials of such telehealth provider in the state in which
 213 such provider is licensed, certified or registered, (2) ensure that such
 214 telehealth provider is in good standing in such state, and (3) confirm
 215 that such telehealth provider maintains professional liability insurance
 216 or other indemnity against liability for professional malpractice in an
 217 amount that is equal to or greater than that required for similarly
 218 licensed, certified or registered health care or other services health
 219 provider in the state.

220 Sec. 2. Subdivision (5) of subsection (c) of section 21a-249 of the
 221 general statutes is repealed and the following is substituted in lieu
 222 thereof (*Effective from passage*):

223 (5) The practitioner demonstrates, in a form and manner prescribed
 224 by the commissioner, that such practitioner does not have the
 225 technological capacity to issue an electronically transmitted
 226 prescription. For the purposes of this subsection, "technological
 227 capacity" means possession of a computer system, hardware or device
 228 that can be used to electronically transmit controlled substance
 229 prescriptions consistent with the requirements of the federal Controlled
 230 Substances Act, 21 USC 801, as amended from time to time. The
 231 provisions of this subdivision shall not apply to a practitioner when
 232 such practitioner is prescribing as a telehealth provider, as defined in
 233 section 19a-906, as amended by this act, [section 1 of public act 20-2 of
 234 the July special session or section 1 of public act 21-9, as applicable,]
 235 pursuant to subsection (c) of said section. [19a-906, subsection (c) of
 236 section 1 of public act 20-2 of the July special session or subsection (c) of
 237 section 1 of public act 21-9, as applicable.]

238 Sec. 3. (NEW) (*Effective from passage*) (a) As used in this section:

239 (1) "Health carrier" has the same meaning as provided in section 38a-

240 1080 of the general statutes;

241 (2) "Insured" has the same meaning as provided in section 38a-1 of
242 the general statutes;

243 (3) "Telehealth" has the same meaning as provided in section 19a-906
244 of the general statutes, as amended by this act; and

245 (4) "Telehealth provider" has the same meaning as provided in
246 section 19a-906 of the general statutes, as amended by this act.

247 (b) Notwithstanding any provision of title 38a of the general statutes,
248 no health carrier shall reduce the amount of a reimbursement paid to a
249 telehealth provider for covered health care or health services that the
250 telehealth provider appropriately provided to an insured through
251 telehealth because the telehealth provider provided such health care or
252 health services to the patient through telehealth and not in person.

253 Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section:

254 (1) "Telehealth" means the mode of delivering health care or other
255 health services via information and communication technologies to
256 facilitate the diagnosis, consultation and treatment, education, care
257 management and self-management of a patient's physical, oral and
258 mental health, and includes (A) interaction between the patient at the
259 originating site and the telehealth provider at a distant site, and (B)
260 synchronous interactions, asynchronous store and forward transfers or
261 remote patient monitoring. "Telehealth" does not include the use of
262 facsimile, texting or electronic mail.

263 (2) "Connecticut medical assistance program" means the state's
264 Medicaid program and the Children's Health Insurance Program under
265 Title XXI of the Social Security Act, as amended from time to time.

266 (b) Notwithstanding the provisions of section 17b-245c, 17b-245e or
267 19a-906 of the general statutes, as amended by this act, or any other
268 section, regulation, rule, policy or procedure governing the Connecticut
269 medical assistance program, the Commissioner of Social Services may,

270 in the commissioner's discretion and to the extent permissible under
 271 federal law, provide coverage under the Connecticut medical assistance
 272 program for audio-only telehealth services.

273 Sec. 5. Section 19a-906a of the general statutes is repealed. (*Effective*
 274 *from passage*)

275 Sec. 6. Section 1 of public act 21-9, as amended by section 3 of public
 276 act 21-133 and section 32 of public act 22-81, section 3 of public act 21-9,
 277 as amended by section 35 of public act 22-81, section 4 of public act 21-
 278 9, as amended by section 36 of public act 22-81, section 5 of public act
 279 21-9, as amended by section 37 of public act 22-81, and section 6 of public
 280 act 21-9, as amended by section 4 of public act 21-133, are repealed.
 281 (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	19a-906
Sec. 2	<i>from passage</i>	21a-249(c)(5)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	Repealer section
Sec. 6	<i>from passage</i>	Repealer section

Statement of Purpose:

To allow out-of-state health care providers to provide telehealth in the state on a permanent basis.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]